

KOHN IS PLACED IN PRISON HERE

Contempt Charged After
Reply Is Refused

By EMILE LAFOURCADE

Aaron M. Kohn, managing director of the Metropolitan Crime Commission, was arrested late Thursday afternoon after being charged with contempt of court by Criminal District Judge Matthew Braniff.

After rendering his decision, Judge Braniff ordered criminal deputy sheriffs to "transfer Mr. Kohn forthwith to Parish Prison and that he is to stay there until such time as he is ready to answer the question put to him by the grand jury."

This is the fourth time Kohn has been cited for contempt. He served a 10-day sentence and paid a \$100 fine 12 years ago. His three previous citations also involved his refusal to give the names of informants.

It was shortly before 6 p.m. that the Orleans Parish Grand Jury convened in Braniff's courtroom to question Kohn under oath.

The question which Judge Braniff was referring to was "Will you give us the name of the informant who told you Eugene Norman is presently conducting gambling operations in New Orleans?"

ARGUMENT ENSUES

A legal argument between counsel for the state and for Kohn followed, in which the defense claimed the court action was in violation of Kohn's rights under the first and fifth amendments of the U.S. Constitution.

Following this, the question was put to Kohn and he answered, "It is with great regret and



AARON M. KOHN
Jailed for contempt of court.

on the advice of counsel that I cannot answer this question."

Braniff replied, "It is with great regret, Mr. Kohn, that I now inform you, you are in contempt of court." He gave Kohn a second chance and asked the question again, to which Kohn repeated his original answer.

Judge Braniff then said, "It is my duty to inform you that you are in contempt of court, and I sentence you under the last paragraph of Article 25 to be confined in Parish Prison until you are prepared to answer this question."

Defense attorney Milton E. Brener asked Judge Braniff for a stay of the sentence until 12:30 p. m. Friday so that he could prepare a bill to be presented before the state Supreme Court for a writ.

REQUEST DENIED

Judge Braniff denied the request and added, "How much

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longer is the judiciary of this city going to have to put up with this?

"If Mr. Kohn wants to play cops and robbers, he is going to have to come up with something in the way of proof, instead of making a sham of the judiciary.

"I have ruled. And I will be available at all times tonight if you care to reach me," added Judge Braniff. He then adjourned the court at 6:13 p. m.

Prior to adjournment, MCC president E. C. Upton asked to take the witness stand to testify. After being sworn in, Upton said that the MCC is a private corporation and its regulations forbid making its documents and records public.

"Because of this," he added, "I, as president of the Metropolitan Crime Commission, request that Philip L. Frank Sr. (an MCC member who was also present in the courtroom) and I also be ruled in contempt of court and placed in Parish Prison."

Braniff retorted in a heated tone, "It appears that the Metropolitan Crime Commission is trying to make a joke out of the judicial system," whereupon he dismissed Upton.

Upon leaving the courtroom, Upton said: "The court's action is a sorry illustration of the city fighting the people, especially with the high rate of crime in New Orleans."

Asked if he thought the court's action was malicious, Upton replied, "What other reason would there be for a situation like this?"

Minutes later Kohn was ushered by deputies from an office

adjacent to the courtroom to the building elevators on the second floor of the Criminal Courts Building.

During the short trip, Kohn said, "Only when you fight police power do you expect to be harassed."

Asked if he felt he was being treated unjustly, Kohn said, "I think I will let the public judge for itself in this matter."

A Eugene Anthony Nolan of New Orleans and Baton Rouge was convicted in Houston in 1966 for using an electronic device to foil long distance tolls and for transmitting interstate gambling information on telephone lines from Tulsa, Okla. and Baton Rouge.

As of August 1967, he was under sentences totaling 10 years in prison and fines of \$30,000 for gambling convictions. He is presently free pending appeal.

During its morning session, the grand jury questioned State Police Supt. Thomas Burbank and Sgt. Jerry Lankford in connection with Dist. Atty. Jim Garrison's organized crime investigation.

Lankford, a member of the New Orleans Police Department's vice squad, has been on loan to the MCC as a special investigator.

Kohn, Upton, Frank and MCC secretary James W. Mills Jr. were directed by a grand jury subpoena to appear at 3 p.m. Thursday.

Kohn arrived at the Criminal Courts building about 2:40 p.m. and said that "former and present members of Dist. Atty (Jim) Garrison's staff have supplied

information to the crime commission.

He also claimed that a "key assistant" to Garrison gave information that Garrison had evidence of criminal conduct by a judge. But he declined to name the judge or reveal his court.

JUDGE CONSULTED

Kohn entered the jury room at 3:50 p.m. but came out a short time later when assistant district attorneys and Kohn's attorneys had to consult Judge Braniff on whether the subpoenas were "similar to" those previously issued on them and upon which the State Supreme Court has ruled.

The earlier subpoenas were issued on the MCC members and the commission's records, but the supreme court ruled the subpoenas were too wide in scope.

After the consultations ended, Kohn re-entered the jury room at 5:15 p.m. and remained inside a half hour. This session was apparently heated as raised voices could be heard through the closed door of the jury room in the adjacent hallway.

In March-April, 1955, Kohn served a 10-day sentence in Parish Prison and paid a \$100 fine for similarly refusing to divulge the name of a police officer who provided confidential information for his special citizens' investigating committee.

The citizen group—created by the City Council—was probing alleged widespread graft in the New Orleans Police Department.

The preceding grand jury cited Kohn for contempt for refusing to answer similar questions, but the action was thrown out as not being valid by criminal district court Judge Frank T. Echezabal. The judge ruled the citation procedure was not properly followed, and the instrument was signed only by the grand jury foreman.

At that time, Kohn, who was also then director of the Metropolitan Crime Commission, said, "I believe it to be my legal and moral duty to the community, to the cooperating person involved, to all citizens who must be encouraged to assist their government, and to my own professional integrity, to withhold the name of the confidential

source."

COURT RULES

The Louisiana courts ruled that there is no state law under which the names of informants may be withheld from grand juries or courts.

In August of 1955, Kohn was convicted of contempt of court for refusing to answer questions in the case of two policemen, who were acquitted of bribery charges.

Sentenced to 10 days in jail, \$100 fine, plus another 10 days for default of payment, Kohn appealed the contempt ruling all the way to the United States Supreme Court, which refused to review a Louisiana Supreme Court ruling upholding his conviction.

Gov. Robert F. Kennon granted a stay of the jail term pending the decision of the highest court. In December, 1955, the Pardon Board recommended against requiring Kohn to serve the new sentence "as an act of mercy," and Gov. Kennon sanctioned the move.

Thursday night Parish Prison Warden A. J. Faulkenstein said Kohn had been issued a prison uniform and had been

placed in a third-floor individual cell.

"He's by himself," Faulkenstein said, "and the cell is not in a cell block."

"He appears to be comfortable. He had red beans and rice for supper."

Shortly before 10 p. m. Thursday, after about four hours of confinement, Kohn was allowed to use the phone for an interview.

"I think it is significant," Kohn said, "that a year ago Jim Garrison flatly denied the existence of organized crime in New Orleans. And then Life Magazine made a liar out of him. He still denied it, but said he'd use the grand jury to investigate."

"When we attempted to give the grand jury information, we were blocked by the tactics of Garrison and his staff."

"I think it is interesting that in Garrison's investigation into organized crime, only one person has been sent to prison and that is me."

Kohn also criticized the grand jury, saying that the jury only spent a few minutes questioning Carlos Marcello, while it spent some 12 hours with him, resulting in his conviction.

"There is a need for a cold look at Jim Garrison's purposes," Kohn added, "when racketeers get gentle treatment and citizens' efforts against crime are discouraged by prosecution."